

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:15CR40 MAC/DDB
	§	
SANTOS GUILLERNO CASTILLO-VARA	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant’s supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on May 14, 2015, to determine whether Defendant violated his supervised release. Defendant was represented by Scott Smith. The Government was represented by Marissa Miller.

On January 25, 2007, Defendant was sentenced by the Honorable Barefoot Sanders, United States District Judge, to a sentence of 90 months imprisonment followed by a 2-year term of supervised release for the offense of illegal re-entry after removal from the United States. Defendant began his term of supervision on December 28, 2012. On March 31, 2015, this case was transferred to this District and the Honorable Marcia A. Crone.

On January 27, 2015, the U.S. Probation Officer filed a Petition for Offender Under Supervision (the “Petition”) (Dkt. 41). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not unlawfully possess a controlled substance; and (3) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

The Petition alleges that Defendant committed the following violations: (1) On September 10, 2014, Defendant was arrested by DEA agents in Dallas, Texas, for Possession With Intent to Distribute Methamphetamine, in violation of 21 U.S.C. §§ 846, 841(1)(1) and 843(b), a Class A felony. He appeared in the Eastern District of Texas for an initial appearance on September 11, 2014, and was reset for detention hearing on September 15, 2014. Defendant was subsequently ordered detained pending disposition of this case. On October 8, 2014, Defendant was indicted in the Eastern District of Texas, Sherman Division, on Count 1 of Conspiracy to Possess With Intent to Manufacture and Distribute Methamphetamine, Case No. 4:14CR-130, in violation of 21 U.S.C. §§ 846 and 841(a)(1), a Class A felony; and (2) On November 18, 2013, Defendant was arrested by the Dallas County Police Department for Possession of Methamphetamine, 0.1 Grams, Possession of Cocaine, 0.1 Grams, and Possession of Heroin, .03 Grams, in violation of Texas Health and Safety Code § 481.115, a state jail felony. On April 1, 2014, Defendant pled guilty to Possession of a Controlled Substance and was sentenced to 180 days custody in county jail and a \$284 fine. Defendant was remanded to custody and subsequently was released to ICE, where he remained until he was removed to the Republic of Mexico on May 13, 2014.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant did not waive his right to allocute before the District Judge. Defendant further did not waive his right to object to this Report and Recommendation.

Having considered the allegations made and testimony presented, the Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the May 14, 2015 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-three (23) months, to run consecutively to any other sentence being served, with no supervised release to follow.

Within fourteen (14) days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations contained herein. 28 U.S.C.A. § 636(b)(1)(C).

SIGNED this 1st day of June, 2015.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE